MONTANA LEGISLATIVE HISTORY

Chapter 223 1981

Bill H 661 S _____ Original bill & history ✓ C

H. Committee on Local Gov't			S. Committee on Local Gov't		
Hearing Date(s)	2/12	✓ C	Hearing Date(s)	3/14	✓ C
Exec. Action	2/12	✓ C	~~Exec~~ Exec. Action	3/17	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ✓ No

Committee _____ Report _____

HB 659—MC BRIDE, D. BROWN, HARRINGTON, ET AL—TO ESTABLISH A SPECIAL PROPERTY TAX CLASS FOR NEW SMALL BUSINESS PROPERTY LOCATED IN AN ECONOMICALLY DEPRESSED AREA....
FISCAL NOTE: REQUIRED
INTRODUCED: 2/6
REFERRED TO COMMITTEE ON TAXATION: 2/6
HEARING: 2/18
BILL DIED IN COMMITTEE

HB 660—ANDERSON—TO DECREASE THE DISTANCE AN "ELIGIBLE TRANSPORTEE" MUST RESIDE FROM A PUBLIC SCHOOL TO RECEIVE TRANSPORTATION....
FISCAL NOTE: REQUIRED
INTRODUCED: 2/6
REFERRED TO COMMITTEE ON EDUCATION: 2/6
HEARING: 2/13
BILL DIED IN COMMITTEE

HB 661—O'HARA—ALLOWING FOR AN EXTENDED APPROVAL PERIOD OF MORE THAN 1 YEAR FOR A PRELIMINARY PLAT UNDER THE MONTANA SUBDIVISION AND PLATTING ACT.
INTRODUCED: 2/6
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/6
HEARING: 2/12
REPORT: DO PASS AND PLACE ON CONSENT CALENDAR, 2/13
3RD READING: 2/18 YEAS: 97; NAYS: 1

TRANSMITTED TO SENATE: 2/18
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/19
HEARING: 3/14
REPORT: 3/18, BE CONCURRED IN
2ND READING: 3/20, BE CONCURRED IN
3RD READING: 3/23, YEAS: 49; NAYS: 0

RETURNED TO HOUSE: 3/23
TRANSMITTED TO GOVERNOR: 3/27
ACTION: SIGNED, 3/31
CHAPTER 223

HB 662—BURNETT—TO ALLOW THE TRUSTEES OF A SCHOOL DISTRICT TO USE A FOUR-WHEEL DRIVE VEHICLE FOR TRANSPORTATION UNDER CERTAIN CONDITIONS....
INTRODUCED: 2/6
REFERRED TO COMMITTEE ON EDUCATION: 2/6
HEARING: 2/16
REPORT: DO PASS AS AMENDED, 2/19
2ND READING: 2/21, YEAS: 77; NAYS: 10
3RD READING: 2/24, YEAS: 83; NAYS: 16

TRANSMITTED TO SENATE: 2/24
REFERRED TO COMMITTEE ON EDUCATION: 3/2
HEARING: 3/9
REPORT: 3/24, BE CONCURRED IN, AS AMENDED
2ND READING: 3/26, YEAS: 48; NAYS: 1
3RD READING: 3/28, YEAS: 48; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 3/28
2ND READING: 4/8, YEAS: 87; NAYS: 1
3RD READING: 4/9, YEAS: 89; NAYS: 7

TRANSMITTED TO GOVERNOR: 4/15

HOUSE BILL NO. 661

INTRODUCED BY D. O'HARA

IN THE HOUSE

February 6, 1981	Introduced and referred to Committee on Local Government.
February 14, 1981	Committee recommend bill do pass and be placed on consent calendar. Report adopted.
February 15, 1981	Discussion.
February 16, 1981	Considered correctly engrossed.
February 18, 1981	Consent calendar, passed. Ayes, 97; Noes, 1. Transmitted to Senate.

IN THE SENATE

February 19, 1981	Introduced and referred to Committee on Local Government.
March 16, 1981	Committee recommend bill be concurred in. Report adopted.
March 20, 1981	Second reading, concurred in.
March 23, 1981	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 24, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 661

INTRODUCED BY D Ohaver

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR AN EXTENDED APPROVAL PERIOD OF MORE THAN 1 YEAR FOR A PRELIMINARY PLAT UNDER THE MONTANA SUBDIVISION AND PLATTING ACT; AMENDING SECTION 76-3-610, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-610, MCA, is amended to read:

"76-3-610. Effect of approval of preliminary plat. (1) Upon approving or conditionally approving a preliminary plat, the governing body shall provide the subdivider with a dated and signed statement of approval. This approval shall be in force for not more than 1 calendar year. At the end of this period the governing body may, at the request of the subdivider, extend its approval for no more than 1 calendar year. except that the governing body may extend its approval for a period of more than 1 year if that approval period is included as a specific condition of a written agreement between the governing body and the subdivider, according to 76-3-507.

(2) After the preliminary plat is approved, the governing body and its subdivisions may not impose any additional conditions as a prerequisite to final plat approval providing said approval is obtained within ~~1 year~~ the original or extended approval period as provided in subsection (1)."

-End-

INTRODUCED BILL
HB 661

STATUS SHEET

LOCAL GOVERNMENT COMMITTEE 1981

47TH Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 170	To remove the filing fee for filing the complete corner record under the corner recordation act	2/4	Towe	Transferred to Judiciary		
SB 171	To prohibit an entry in the margin of the record as a method to record the release of a real estate mortgage	2/4	Towe	Transferred to Judiciary		
HB 651	To authorize the application of proceeds of the general fund mill levy to other county funds when considered necessary by a majority of the Board of County Commissioners	2/6	Shontz	2/12 (Thurs.)	DO NOT PASS (two voted no) Holiday Vinger	2/17
HB 661	An act allowing for an extended approval period of more than 1 year for a preliminary plat under the Montana subdividion and platting act	2/7	D. O'Hara	2/12 (Thurs.	AS AMENDED DO PASS	2/13
HB 673	To exempt planned unit development districts from application of the protest provision of the statute governing alteration of zoning regulations	2/7	Lory	2/12 (Thurs.)	DO NOT PASS	2/13
HB 675	To exempt cities and counties from contributing to the traffic education account	2/9	Harper	2/12 (Thurs.)	DO PASS	2/13

Form CS-32
1-79

12.

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE
February 12, 1981

The Local Government Committee met February 12, 1981 at 7:30 p.m. in room 103 of the Capitol. CHAIRMAN BERTELSEN called the meeting to order and asked the secretary to call the roll. All committee members were present except REPRESENTATIVES AZZARA, HURWITZ, MC BRIDE, AND WALDRON who were excused. REPRESENTATIVE PISTORIA was absent. Staff Researcher Lee Heiman was also present.

HOUSE BILL 661 - sponsored by REP. DAVID O'HARA.

REP. O'HARA said House Bill 661 is an act allowing for an extended approval period of more than 1 year for a preliminary plat under the Montana Subdivision and Platting Act. As the law now stands, the subdivider must submit a preliminary plat to the city governing body for a one year approval, with the option for a one year extension. This law is fine when it concerns small subdividers. However, when preliminary plats are being done in phase developments which may take 5 to 10 years to finish, at the end of the approved two year time limit the developer must resubmit his entire package again for approval. What this bill proposes to do is give the governing body an option to allow long-range preliminary plat rules. Builders then must often enter into financial arrangements. Successful conclusions lie in total development of parcels as envisioned in the preliminary plat at the time of initial approval. Logically there should be some assurance to a subdivider and his financer that their arrangement will not be subject to an adverse ruling relating to further approval even though the subdivider may be in compliance with his original plan and his agreement with the governing body.

Many developers use the approved preliminary plat in some form or another as sales aids. Many persons are influenced in their purchase of a lot or house in a community based upon the neighborhood by such a sales aid. Certainly it is in the best interests of the consumer that the development concept under which he purchased the house or lot be given more protection than is contained in the approval period of only two years.

PROPONENTS FOR HOUSE BILL 661

CLIFF CHRISTIAN represented the Montana Association of Realtors. He said they were concerned originally that there could be some strategic delays by certain members of the Planning Board. We found that our request really had backfired and I'll give you an example of what happened in the Billings area where Rep. O'Hara is from. You have a couple of excellent developments; one in the process now is called South Hills. That is going to be a phased in project that will probably take 10 years to complete. It is our understanding that it has a strong backing of

the Planning Boards in Yellowstone County. We find the developer in South Hills is now locked in and he has to technically reapply every two years for the same subdivision that he wants to phase in over probably a 10-year period. This is duplication for him and a lot of extra work for the planning staff and planning boards when everybody knows what the rules of the game are well in advance. It is a hangup that shouldn't be there.

H. S. HANSON stated he represents the Montana Association of Planners. We support this bill wholeheartedly. The present law requires as has been described to you, the request for an extension with two years being the maximum. This will allow the initial submittal and allows the government agency to determine the length of that approval. We think this is a very valid approach to it and support it wholeheartedly.

AL THELEN, the City Administrator of Billings, said Billings has had several occasions where this law would be handy for them to use in the last two years. We support it because it will give us broader authority and allow more flexibility for the developer.

OPPONENTS TO HOUSE BILL 661

As there were none, Chairman Bertelsen asked REP. O'HARA IF he'd like to close.

REP. O'HARA said this change is really quite important. As the law stands now, a person can buy a house or lot in a subdivided area thinking he is going to have a park or a golf course next door to him because it is described in the plat. But 10 years down the road, when the requirements are changes, he is left without what he thought he had purchased. So that is my testimony.

QUESTIONS FROM COMMITTEE MEMBERS

REP. NEUMAN asked REP. O'HARA if this has really been a problem in Billings? Has the Planning Board been reluctant to grant an extension?

REP. O'HARA said traditionally they have worked quite well together. But it did happen in one situation where a person in Billings actually thought they were purchasing a lot next to a golf course and it disappeared. The basic problem has been that two years is the maximum. You get a one year approval and up to a one year extension and that is the maximum regardless of the conditions. This will alow the governing body to give approval as far as the time requires.

CHAIRMAN BERTELSEN closed the hearing on HOUSE BILL 661.

CHAIRMAN BERTELSEN announced that REP. FEDA has asked that we table HOUSE BILL 679. If there is anyone here specifically for that bill, that is the action we will take in this session.

HOUSE BILL 673 - sponsored by REP. EARL LORY

REP. LORY said he represents District #99 of Missoula and his bill is very simple. A planned unit development district is originally requested by the City Council or the City Planners. It goes through all the steps of planning and is accepted by the Planning Board. Since it has been approved by the Planning Board and was at the request of the Planning Board, we are asking for a change in the three-fourths vote requirement by the City Council for a protested zoning change. The law now reads that if there is a protest, the City Council may approve it only after three-fourths vote and we are asking for a majority vote. This bill states changes can be passed by a majority of the City Council rather than three-fourths.

PROPONENTS FOR HOUSE BILL 676 - there were none.

OPPONENTS FOR HOUSE BILL 673

AL THELEN, City Administrator of Billings, said he didn't know about this bill until today. I've read it and heard the discussion. I can't see why a planned unit development should have a different percentage than anything else. I think it even ought to be the other way, if we were to argue that simply because we can allow mixed uses many times in a development, depending on the community. For that reason I would be opposed to this bill.

CHAIRMAN BERTELSEN asked for further opponents. As there were none, he asked REP. LORY if he'd like to close.

REP. LORY closed by stating the reason we are asking for this bill is simple. This plan is one which the Planning Board has gone through in detail and has been accepted and approved by the city council. If it hasn't been approved, it has been sent back to the Planned Board. We feel that if it has gone through that much effort and has been thoroughly gone over, that a majority vote of the City Council is enough. Since it has been worked on by the Planning Board and requested by the Planning Board, the three-fourths vote of the City County is not required.

that you have a rather unique City Council. They feel it is virtually impossible to get any kind of review through with Council approval.

QUESTION ON HOUSE BILL 673: All in favor say "aye." All voted "aye" with the exception of Rep. Andreason, who voted "no" and Rep. Gould abstained. Motion carried and HB 673 received a DO NOT PASS recommendation.

HOUSE BILL 661 - sponsored by Rep. David O'Hara.

REP. SALES moved a DO PASS on HB 661.

QUESTION: On DO PASS for HB 661. All in favor signify by saying "aye." Motion carried by unanimous vote.

REP. KESSLER moved that this bill also be placed on "the consent calendar." All committee members voted "aye."

HOUSE BILL 675 - sponsored by Rep. David O'Hara.

CHAIRMAN BERTELSEN said this is an act to exempt cities and counties from contributing to the traffic education account and to increase the amount contributed from other earmarked sources. He stated there would be a loss to the fund of about one-half million dollars. He said he was on the committee and this bill seems to me to make the most sense as far as counties and cities, and is something that stated mandated rules, even if it ends up coming out of the general fund. There is this leeway that if they feel that this is creating an added burden, there would be the possibility you could raise registration fees or do something along that line. I suppose they could raise the Highway Patrol traffic fines a little bit. This bill is well worked out because it had an alternative method of taking care of it. The question came up as to why it wasn't carried by someone. What happened on that committee was that we had only about three members who returned to the legislature. Normally, you would have most of the committee returning and members would want to carry it. But the few who did come back left it open to the representatives to find somebody to carry it.

REP. MATSKO: Mr. Chairman, as a viewpoint on this, I think one of the reasons it was put on the fine originally is they wanted to have the people who were being arrested pay for the education they might be going through or should have gone through. But I think it is eminently fair that the money come from all driver's license fees. I don't see any problem with that. It is a philosophical kind of thing, because you are spreading it over all the people who drive. Almost all

STANDING COMMITTEE REPORT

February 12, 19 91

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 661

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR AN EXTENDED APPROVAL PERIOD OF MORE THAN 1 YEAR FOR A PRELIMINARY PLAT UNDER THE MONTANA SUBDIVISION AND PLATTING ACT; AMENDING SECTION 76-3-610, MCA."

Respectfully report as follows: That HOUSE Bill No. 661

BEST COPY AVAILABLE

DO PASS CONSENT CALENDAR

Verner L. Bertelsen, Chairman.

STATE PUB. CO.
Helena, Mont.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47TH LEGISLATIVE SESSION, 19 81

KEY: X = Present
A = Absent
E = Excused

Name	Date 2/10 7:30p.m.	2/11 7:30p.m.	2/12 12:30	2/12 7:30p.m.	2/13 7:30p.m.	2/16 6:30p.m.	2/17 12:30	2/19 11:30a.m.	2/19 7:30p.m.	2/20 7:30p.m.	2/21 9a.m.	3/3 12:30	3/5 12:30	3/7 9a.m.
Verner Bertelsen, Chm	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Orren Vinger, V. C.	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Aaron Andreason	E	X	X	X	X	X	X	X	X	X	X	X	X	X
James Azzara	X	X	X	E	X	X	X	X	X	X	E	X	X	A
Toni Bergene	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ann Mary Dussault	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Budd Gould	X	X	X	X	X	X	X	X	X	X	X	E	X	X
Gay Holiday	X	X	X	X	X	X	X	X	X	X	X	X	X	A
Burt Hurwitz	E	E	X	E	A	E	X	X	X	X	X	A	A	E
Gerald Kessler	X	X	X	X	A	X	X	X	X	X	X	X	X	X
Les Kitselman	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Tom Hannah	X	X	X	X	X	X	X	X	X	X	X	X	X	A
John Matsko	X	X	X	X	X	X	X	X	X	X	X	X	E	X
Kathleen McBride	X	X	X	E	X	X	X	X	X	X	X	A	X	X
Ted Neuman	X	X	X	X	X	X	E	X	X	X	X	A	X	X
Paul Pistoria	A	A	A	A	A	A	A	A	A	X	X	X	X	X
Walter Sales	X	X	X	X	X	X	X	X	A	X	E	E	X	X
Dean Switzer	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Steve Waldron	X	X	X	E	X	X	X	X	X	X	E	A	E	E
Lee Heiman, StaffAttorney	X	X	X	X	X	X	X	X	X	X	X	X	X	X

BEST COPY AVAILABLE

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL HOUSE BILL 661 Date Feb. 12 at 7:30 p.m.

SPONSOR Rep. David O'Hara

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPC
Cliff Christian	Helena	MT Assn of Realtors	✓	
A S Hanson	Helena	MT. Tech. Council	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

12

47TH LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT PASS DATE	DO NOT PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
473	03/02/81	03/17/81	03/17/81			03/17/81		
479	02/12/81	03/07/81	03/17/81				03/17/81	
498	02/20/81	03/12/81	03/17/81				03/17/81	
507	02/18/81	03/12/81	03/24/81				03/24/81	
555	03/03/81	03/24/81	03/24/81			03/24/81		
558	03/03/81	03/18/81	03/26/81				03/26/81	
562	02/21/81	03/12/81	03/17/81				03/17/81	
575	02/18/81	03/14/81	03/26/81					03/26/81
594	03/03/81	03/12/81	03/26/81					03/26/81
624	03/03/81	03/17/81	03/24/81				03/24/81	
643	02/18/81	03/14/81	03/17/81			03/17/81		
661	02/19/81	03/14/81	03/17/81			03/17/81		
693	03/03/81	03/12/81	03/17/81			03/17/81		
704	03/03/81	03/12/81	03/17/81				03/17/81	
712	03/03/81	03/17/81	03/17/81			03/17/81		
715	03/03/81	03/19/81	03/24/81					03/24/81

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
MARCH 14, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 12:30 p.m.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 192:

AN ACT TO AMEND SECTION 76-3-608, MCA, TO MODIFY AND DEFINE THE PUBLIC INTEREST CRITERIA FOR LOCAL GOVERNMENT REVIEW OF SUBDIVISIONS.

Representative Moore, District No. 41, said this bill is reinserting language and clarifying a bill passed in 1975 which was to define public interest criteria of subdivisions. It will change 8 general criteria to 7 criteria which would be more specific. Local officials have expressed a concern in applying the criteria. Local officials and subdividers would profit from the bill as it is now written. It is important to know that this bill would in no way abridge the public's right to comment on public subdivision.

Cliff Christian of the Montana Association of Realtors submitted two amendments. (See attached Exhibit A.) The House Local Government Committee decided to strike wording on page 1, lines 11 and 12. There are plenty of safeguards under the current platting act without that.

Henry Oldenburg, representing himself and the Flathead County Commissioners, supports the bill as it is brought before the committee because they feel it is the best situation that can be obtained. They are concerned there will be changes which will make it more difficult to carry out their duties. If everything were equal, the original bill would be the preferred situation. They have operated under the 8 criteria in Flathead County and found they were useful but can live with the exclusion of 1. There is a concern on how we can put a limitation on public opinion. The words "at least" on page 1, lines 23 and 24 should be retained so county governments have flexibility to address criteria and make additional requirements that will be helpful. He finds a problem with dropping lines 17, 18 and 19 on page 1. He hopes they will be brought back into the bill if it is amended.

Senator McCallum then called for opponents of the bill.

Rose Leavitt, League of Women Voters, spoke in opposition of the bill. (See attached Exhibit B.)

CONSIDERATION OF HOUSE BILL NO. 643:

AN ACT TO REMOVE THE LIMITATION ON THE NUMBER OF DEPUTIES THAT MAY BE HIRED BY A COUNTY SHERIFF IN ANY COUNTY OF THE STATE.

Representative Matsko, District No. 38, said this is a repeal of the limitation of deputy sheriffs in the state, Section 7-32-2103. This section limits the allowable number of deputies in each county to one undersheriff and not more than six deputies in counties of the first, second or third-class, two in counties of the fourth-class and one in counties of the fifth, sixth or seventh-class. They are asking for the repealer because no one abides by this statute. All counties are way above the limit. Section 7-4-2402 authorizes county commissioners to determine the necessary number of deputies needed in the county. There is no foreseeable time when deputy sheriffs in the first-class counties will be at six or less because of population increases. They are asking that this section be removed and that the counties rely on Section 7-4-2402 which gives the county commissioners authority to set the number necessary.

Jim Burnes, undersheriff of Cascade County, totally supports the repealing of this law because every county ignores it because it is not workable.

There were no opponents of the bill appearing before the committee.

Representative Matsko, in closing, said there is a trend toward returning power and duties to the local level. It is more correct for county commissioners to decide how many should be in local government.

Senator McCallum then called for questions from the committee.

Senator McCallum asked if the county commissioners control this anyway through budgeting.

Representative Matsko agreed. He added that the original limitations were enacted in 1905.

CONSIDERATION OF HOUSE BILL NO. 661:

AN ACT ALLOWING FOR AN EXTENDED APPROVAL PERIOD OF MORE THAN 1 YEAR FOR A PRELIMINARY PLAT UNDER THE MONTANA SUBDIVISION AND PLATTING ACT.

Representative O'Hara, District No. 62, said this deals with subdivision plat approval. Under the existing method, a builder

goes in and gets an approval for 1 year and then after that he can get a 1-year extension. Some subdivisions take 10 or 15 years to complete. Many times they have financial arrangements and if those arrangements are changed after 1 year, the financer and financee will be hurting as well as the people who bought the houses. The terms of the subdivision can be used as sales aids. In order to sell subdivisions the builder may say there will be a park behind the houses, then 3 years down the road there is a change in the plat approval so they can't put in a park and the buyers have nothing to say about it. This bill allows the authority to enter into a written agreement with the subdivider putting down terms and conditions that the term could be extended.

Cliff Christian, Montana Association of Realtors, said setting time periods in which a body has to act puts pressures on the subdivision and platting act. A proposed subdivision must be approved in 1 year and needs additional approval after that. In Billings they have a large land unit development going in that is comprised of thousands of acres. They want to establish a plan for the whole area. There will be consistency with this bill. If they need additional time after the approval process, it would happen under this bill.

There were no opponents of the bill appearing before the committee.

Representative O'Hara said Sonny Hanson of the Montana Technical Council also supports this bill.

Senator McCallum then called for questions from the committee.

Senator Van Valkenburg asked Mr. Christian if we have passed Senator Severson's bill.

Senator McCallum said we did not pass it. That bill is the same as this one.

CONSIDERATION OF HOUSE BILL NO. 575:

AN ACT TO GENERALLY CLARIFY THE POWERS OF COUNTY COMMISSIONERS RELATING TO PLANNING AND ZONING AND TO CREATE A CITIZEN ADVISORY COMMITTEE TO ADVISE THE COUNTY COMMISSIONERS ON PROPOSED AMENDMENTS TO ZONING REGULATIONS.

Representative Kitselman, District No. 60, offered testimony from the Montana Technical Council. (See attached Exhibit D.) This bill comes about out of some problems in the county zoning commission in Billings. The 5 member board has been in existence for many years. Judge Wilson ruled last year that the board and county commissioners could not sit jointly. They were required

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 3/14/81

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.

17

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
MARCH 17, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 12:30 p.m.

ROLL CALL: Senator Hammond was excused, all other members were present with Senator O'Hara coming in late due to another meeting.

CONSIDERATION OF HOUSE BILL NO. 712:

AN ACT TO REQUIRE THAT A VACANCY IN A MUNICIPAL ELECTED OFFICE BE FILLED BY THE CITY OR TOWN COUNCIL WITHIN 30 DAYS AND UNTIL A SUCCESSOR IS ELECTED TO FILL THE UNEXPIRED TERM OF THE OFFICE.

Representative Hurwitz, District No. 45, said this is an act to require that vacancies be filled by the city or town council within 30 days and until a successor is elected to fill the unexpired term of the office. This specifically addresses mayors.

Dan Mizner, League of Cities and Towns, said vacated elected positions need filled. When a mayor leaves his position and someone is not appointed, the president of the city council moves up to acting mayor and then they cannot fill the councilman's position as long as he is only acting mayor. With this bill they would either have to make him mayor within 30 days and fill his vacancy on the council or fill the mayor's position with someone else.

There were no opponents of the bill appearing before the committee.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 473:

AN ACT TO ALLOW MUNICIPALITIES TO DESTROY OLD RECORDS AFTER A PERIOD OF 5 YEARS.

Representative Fabrega, District No. 44, said the only change is on line 25. They would like to be able to destroy certain records after five years. The records are copies of parking tickets and water bill receipts. He submitted a letter to the committee from the Department of Revenue. (See attached Exhibit A.) The Department of Revenue requires taxpayers to keep records for a 3-year period except where the records would have an effect on more than 3 tax years. There is no need to have an accumulation of some records for 25 years.

The bill passed consideration for the day.

DISPOSITION OF HOUSE BILL 562: Senator O'Hara moved the bill be amended to provide for an immediate effective date. The motion carried unanimously.

Senator Thomas moved the bill be concurred in as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 304: Senator Thomas moved the bill be concurred in.

Debbie Schmidt said the bill needed an amendment on page 1, line 22, following "as such" insert "at least once a week."

Senator Thomas withdrew his motion. He then motioned to adopt the amendment. The motion carried unanimously.

Senator Thomas moved the bill be concurred in as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 643: Senator Van Valkenburg moved the bill be concurred in. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 661: Senator Van Valkenburg said there is a provision that the governing body agree to the extension. If both parties are in agreement, it doesn't do any great harm.

Senator Thomas moved the bill be concurred in. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 192: Senator Van Valkenburg said the realtors wanted an amendment so subdivisions eligible for summary review would be exempted from these criteria. All positive aspects would be jeopardized if we amend the bill.

Senator Van Valkenburg moved the bill be concurred in. The motion carried unanimously.

There being no further business before the committee, the meeting was adjourned at 2:00 p.m.

George McCallum

Chairman George McCallum

gs

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 3/17/81

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond			✓
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/17/81 House Bill No. 661 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	Excused	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	Excused	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George C. McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Thomas moved the bill be concurred in.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 17 19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 661

O'HARA (OCHSNER)

Respectfully report as follows: That HOUSE Bill No. 661

BEST COPY AVAILABLE

DO BE CONCURRED IN

XXXXXXX

GEORGE MCCALLUM, Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 661

INTRODUCED BY D. O'HARA

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR AN EXTENDED APPROVAL PERIOD OF MORE THAN 1 YEAR FOR A PRELIMINARY PLAT UNDER THE MONTANA SUBDIVISION AND PLATTING ACT; AMENDING SECTION 76-3-610, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-610, MCA, is amended to read:

"76-3-610. Effect of approval of preliminary plat. (1) Upon approving or conditionally approving a preliminary plat, the governing body shall provide the subdivider with a dated and signed statement of approval. This approval shall be in force for not more than 1 calendar year. At the end of this period the governing body may, at the request of the subdivider, extend its approval for no more than 1 calendar year, except that the governing body may extend its approval for a period of more than 1 year if that approval period is included as a specific condition of a written agreement between the governing body and the subdivider, according to 76-3-507.

(2) After the preliminary plat is approved, the governing body and its subdivisions may not impose any additional conditions as a prerequisite to final plat approval providing said approval is obtained within ~~1-year~~ the original or extended approval period as provided in subsection (1)."

-End-

REFERENCE BILL

HB 0661/02